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U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

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By

Civil Action No. 2-01CV-198 ~~TIW~~ ^{Deputy}

BID/ASK, L.L.C.

Plaintiff,

VS.

ENRON CORP., and
ENRONONLINE, L.L.C.,

Defendants.

§ 100.000

Plaintiff Bid/Ask, L.L.C. (“Bid/Ask”) for its reply to the counterclaim of Defendants Enron Corp. (“Enron”) and EnronOnline, L.L.C. (“EOL”) (Enron and EOL are collectively referred to herein as “Defendants”) responds as follows:

1. Plaintiff Bid/Ask admits that an actual controversy exists between the Plaintiff and Defendants regarding the validity and infringement of U.S. Patent No. 6,058,379 (“the ’379 Patent”) as purported in Paragraph 20 of Defendants’ Answer and Counterclaim. Defendant denies that an actual controversy exists between the Plaintiff and Defendants regarding the enforceability of the ’379 Patent as purported in Paragraph 20 of Defendants’ Answer and Counterclaim. To the extent necessary, Plaintiff denies the remainder of Defendants’ claims and allegations in Paragraph 20 of Defendants’ Answer and Counterclaim.

2. Plaintiff Bid/Ask admits the allegations in Paragraph 21 of Defendants' Answer and Counterclaim.

PLAINTIFF'S REPLY TO DEFENDANTS' COUNTERCLAIM

3. Plaintiff Bid/Ask admits the allegations in Paragraph 22 of Defendants' Answer and Counterclaim.

4. Plaintiff Bid/Ask admits the allegations in Paragraph 23 of Defendants' Answer and Counterclaim.

5. Plaintiff Bid/Ask admits the allegations in Paragraph 24 of Defendants' Answer and Counterclaim.

6. Plaintiff Bid/Ask denies the allegations in Paragraph 25 of Defendants' Answer and Counterclaim.

7. Plaintiff Bid/Ask denies the allegations in Paragraph 26 of Defendants' Answer and Counterclaim.

8. Plaintiff Bid/Ask denies the allegations in Paragraph 27 of Defendants' Answer and Counterclaim.

9. Plaintiff admits that Defendants' are seeking a declaratory judgment as purported in Paragraph 28 of Defendants' Answer and Counterclaim. Plaintiff Bid/Ask denies the remaining claims and allegations in Paragraph 28 of Defendants' Answer and Counterclaim.

WHEREFORE, Plaintiff Bid/Ask prays that the Court deny in all respects Defendants' prayer for relief, that the Court enter judgment on all claims alleged by Defendants' and that the Court grant the following relief:

A. A judgment that Defendants have infringed the '379 patent, directly and indirectly by way of inducing infringement and/or contributing to the infringement of the '379 patent;

B. An injunction preventing Defendants and their respective officers, directors, agents, servants, employees, attorneys, licensees, subsidiaries, affiliates, successors, and assigns,

and those in active concert or participation with any of them, from infringing, inducing the infringement of, or contributing to the infringement of the '379 patent;

C. A judgment and order requiring Defendants to pay Bid/Ask damages under 35 U.S.C. § 284 with interest;

D. A judgment and order requiring Defendants to pay the costs of this action (including all disbursements) and attorney fees as provided by 35 U.S.C. § 285; and

E. Such other and further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Bid/Ask hereby demands that all issues be determined by jury.

Respectfully submitted,

McKOOL SMITH, P.C.

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Plaintiff's Reply to Defendants' Counterclaim has been served via first class mail on the following counsel of record on this 26th day of November, 2001:

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